

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:05-00107

GEORGE M. LECCO
also known as "Porgy"
VALERI FRIEND

UNITED STATES RESPONSE TO DEFENDANTS' RENEWED JOINT
MOTION TO IMMEDIATELY DISCLOSE ANY AND ALL CONTACT
BETWEEN GOVERNMENT AGENTS OR PROSECUTORS AND POTENTIAL
JAILHOUSE INFORMANTS INCARCERATED WITH DEFENDANTS
GEORGE LECCO OR VALERIE FRIEND AND MEMORANDUM IN SUPPORT

Comes now the United States of America by Philip H. Wright, Assistant United States Attorneys for the Southern District of West Virginia, and submits this Response to Defendants' Renewed Joint Motion to Immediately Disclose Any and All Contact Between Government Agents or Prosecutors and Potential Jailhouse Informants Incarcerated With Defendants George Lecco or Valerie Friend and Memorandum in Support. The motion should be denied, as explained below.

Defendants renew a previously-filed request for immediate disclosure of "government (state or federal) sponsored or monitored contacts with the Defendants regarding the allegations in the indictment and any such conversation the prosecution is aware of." Renewed Joint Motion, p.3. The United States has not sponsored any

"jailhouse" contacts between informants or any other person acting on behalf of the government, on the one hand, and the defendants on the other. The United States has no information, and is not aware, of any state-sponsored contacts.

The United States has turned over to defense counsel a memorandum regarding an interview of one individual who had been incarcerated with defendant Friend.¹ This individual was not incarcerated at the time of the interview. The United States does not intend to call that individual as a witness at trial.

In addition, at this time, the United States has no other statements from individuals who are or who have been incarcerated with either defendant. If the United States obtains such statements in the future, the United States will turn over the statements in accordance with the discovery practice it has followed thus far in the case. The United States does not intend to initiate or otherwise "sponsor" any undercover contacts between jailhouse informants and the defendants.

¹The memorandum, bates-labeled "Lecco, et al-000371," was turned over to defense counsel on January 3, 2006.

For the foregoing reasons, the defendants' joint motion for disclosure of contacts between the government and jailhouse informants should be denied as moot.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "UNITED STATES RESPONSE TO DEFENDANTS' RENEWED JOINT MOTION TO IMMEDIATELY DISCLOSE ANY AND ALL CONTACT BETWEEN GOVERNMENT AGENTS OR PROSECUTORS AND POTENTIAL JAILHOUSE INFORMANTS INCARCERATED WITH DEFENDANTS GEORGE LECCO OR VALERIE FRIEND AND MEMORANDUM IN SUPPORT" has been electronically filed with the Clerk of the Court on this date via the CM/ECF system and served upon opposing counsel as follows:

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